

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NITTANY NOVA AGGREGATES, LLC, : Case No. 4:16-CV-00120
: :
Plaintiff, : (Judge Brann)
: :
v. : :
: :
WM CAPITAL PARTNERS, LLC and :
WM CAPITAL PARTNERS, XXXIX, LLC,: :
: :
Defendants. : :

ORDER

October 26, 2016

AND NOW, in accordance with a Memorandum of this same date, IT IS
HEREBY ORDERED THAT:

1. Defendants' Motion to Dismiss Plaintiff's Complaint (ECF No. 4) is GRANTED in part and DENIED in part.
2. Defendants' Motion to Dismiss is GRANTED with respect to Plaintiff's conspiracy (Count I), fraudulent misrepresentation/inducement (Count II), and negligent misrepresentation/inducement (Count III) claims.
3. Defendants' Motion to Dismiss is similarly GRANTED with respect to Plaintiff's request for attorney's fees.

4. Plaintiff is, however, given leave to file an Amended Complaint within twenty-one (21) days of the date of this Order re-asserting the dismissed tort claims.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge